

Message Text

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ACTION EUR-12

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E.O. 11652: N/A

TAGS: EAGR, EEC

SUBJECT: SOY PROTEIN CLASSIFICATION-AD HOC CHEMISTS' GROUP MEETING

REF: (A) EC BRUSSELS 09688 (B) EC BRUSSELS 06553

1. BEGIN SUMMARY: THE OCTOBER 21-23 MEETING OF THE AD HOC CHEMISTS' GROUP DISCUSSED ONLY THE FIRST HALF OF THE COMMISSION'S STUDY ON THE PROTEIN TARIFF CLASSIFICATION PROBLEM AND DID NOT REPEAT NOT CONSIDER PROPOSED CHANGES IN CLASSIFICATION. IT IS, HOWEVER, EXPECTED TO DO SO AT THE NEXT MEETING, FOR WHICH A DATE IS NOT YET SET. FORCHERI (COMMISSION, CUSTOMS SECTION) ESTIMATES THAT IT WOULD TAKE AT LEAST 6 MONTHS FOR SUCH A PROPOSAL TO CLEAR THE CHEMISTS' GROUP AND 2-3 YEARS TO BE FINALLY IMPLEMENTED. OUR ASSESSMENT OF THE PROSPECTS OF OBTAINING FAVORABLE TARIFF CLASSIFICATION MODIFICATIONS FOR SOY PROTEIN PRODUCTS VIA THIS ROUTE--VERY GLOOMY. WE AGAIN RECOMMEND SEEKING A SEPARATE 8-PERCENT TARIFF SUB-HEADING. END SUMMARY.

2. ON OCTOBER 29, WE MET WITH SANDRO FORCHERI, A CHEMIST IN THE COMMISSION'S CUSTOM SECTION, TO FIND OUT MORE ABOUT THE OCTOBER 21-23 MEETING OF THE AD HOC CHEMISTS GROUP (REF.A). AT THAT

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MEETING, THE GROUP COMMENCED DISCUSSION OF A COMMISSION STUDY

(DESCRIBED IN REF. B), WHICH INCLUDES PROPOSALS FOR CERTAIN CHANGES IN THE TARIFF CLASSIFICATION OF PROTEIN PRODUCTS.

3. FORCHERI SAID THAT ONLY THE FIRST HALF (APPROXIMATELY) OF THE STUDY HAD BEEN DISCUSSED AT THE MEETING; THIS PART DEALS BASICALLY WITH THE BACKGROUND OF THE PROTEIN TARIFF CLASSIFICATION PROBLEM. DISCUSSIONS OF THE MODIFICATIONS PROPOSED IN THE STUDY HAVE NOT YET BEGUN; THUS, FORCHERI COULD TELL US NOTHING OF THE MEMBER STATE REACTIONS TO THE PROPOSED CHANGES IN THE CLASSIFICATION OF PROTEIN CONCENTRATES. HE WAS CERTAIN THAT THE PROPOSED MODIFICATIONS WOULD BE DISCUSSED AT THE NEXT MEETING OF THE CHEMISTS' GROUP (FOR WHICH A DEFINITE DATE HAS NOT YET BEEN SET--ITS, HOWEVER, EXPECTED TO BE AT THE END OF NOVEMBER OR IN THE FIRST PART OF DECEMBER).

4. FORCHERI STRESSED THAT, WHILE THE STUDY HAD BEEN DONE BY A COMMISSION EXPERT, THE PROPOSALS CONTAINED THEREIN WERE NOT OFFICIAL COMMISSION PROPOSALS--MERELY A BASIS FOR DISCUSSION. ON TECHNICAL GROUNDS, HE WAS NOT HIMSELF FAVORABLY DISPOSED TOWARDS CLASSIFYING VEGETABLE PROTEIN CONCENTRATES IN CXT 35.04. HE SAID HE COULD NOT GAUGE THE RECEPTIVITY OF THE OTHER MEMBERS OF THE CHEMISTS' GROUP TO THIS PROPOSAL.

5. FORCHERI ESTIMATED THAT, GIVEN THE ABSENCE OF MEMBER STATE PRESSURE FOR ACTION ON THE PROTEIN CLASSIFICATION PROBLEM, IT WOULD TAKE AT LEAST SIX MONTHS FOR THE CHEMISTS' GROUP TO CONCLUDE THEIR INVESTIGATION AND MAKE A RECOMMENDATION. RECOMMENDATIONS OF THE CHEMISTS' GROUP MUST FIRST BE APPROVED BY THE EC'S COMMON CUSTOMS TARIFF NOMENCLATURE COMMITTEE AND THEN BY THE CUSTOMS COOPERATION COUNCIL. ASKED ABOUT THE MINIMUM TIME THAT WOULD BE REQUIRED TO IMPLEMENT ONE OF THE CLASSIFICATION CHANGES PROPOSED BY THE STUDY, HE GUESSED 2-3 YEARS.

6. FORCHERI SUGGESTED THAT THE UNITED STATES SUBMIT ITS VIEWS ON THE CLASSIFICATION PROBLEM TO THE CHEMISTS' GROUP. WE SAID THAT WE WOULD TAKE THIS SUGGESTION INTO CONSIDERATION. ON AN INFORMAL BASIS, WE HAVE ALREADY FURNISHED FORCHERI A COPY OF A 1970 PRESENTATION MADE BY DR. LOUIS SAIR OF GRIFFITH LABORATORIES CONCERNING THIS PROBLEM.

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7. THE MISSION REQUESTS THAT USDA SEND US ANY ADDITIONAL TECHNICAL INFORMATION CONCERNING THE TARIFF CLASSIFICATION OF SOY PROTEIN PRODUCTS THAT MAY FAVOR OUR POSITION. IT MIGHT ALSO BE USEFUL TO DISSEMINATE SUCH INFORMATION AT THE MEMBER STATE LEVEL.

8. WE WILL CONTINUE TO INFORM WASHINGTON OF THE ACTIVITIES OF THE COMMISSION'S CUSTOMS SECTION RE THIS PROBLEM. HOWEVER, THE CHANCES OF ATTAINING OUR OBJECTIVES VIA THIS ROUTE SEEM EXCEEDINGLY

SLIM. THE BUREAUCRATIC SNAILS' PACE AT WHICH SUCH MATTERS MOVE IS IN ITSELF A MAJOR OBSTACLE. BUT EVEN IF WE SUCCEED IN OBTAINING A FAVORABLE JUDGEMENT AT THE TECHNICAL LEVEL, IT IS LIKELY THAT POLITICAL AND ECONOMIC PRESSURES WOULD PREVENT AN IMPROVEMENT IN THE TARIFF TREATMENT OF IMPORTED SOY PROTEIN PRODUCTS--PARTICULARLY IN VIEW OF THE COMMUNITY'S MANNOUNH DAIRY PROTEIN SURPLUSES WHICH ARE EXPECTED BY THE EC COMMISSION TO PERSIST FOR SEVERAL YEARS.

8. THEREFORE, THE MISSION REITERATES THE RECOMMENDATION MADE IN REF. B--THAT WE FORMALLY REQUEST THE ESTABLISHMENT OF A SUB-HEADING FOR VEGETABLE PROTEIN PRODUCTS UNDER CXT 21.07 WITH AN 8 PERCENT DUTY. MORRIS

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